

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, Plaintiff,  
vs.  
BILLY STEFFEY, Defendant. )  
Case No. 12-cr-00083-APG-GWF  
**ORDER**

This matter is before the Court on Defendant's Motion for Relief (ECF No. 496), filed on July 11, 2017. The Government filed its Response (ECF No. 497) on July 18, 2017.

On August 7, 2014, the Court sentenced Defendant and on August 8, 2014 entered judgment. *See* ECF Nos. 309, 311. On July 7, 2017, the Court denied Defendant’s Motion to Vacate pursuant to 28 U.S.C. § 2255 (ECF No. 421), denied Defendant’s request for certificate of appealability, and granted the Government’s Motion to Dismiss (ECF No. 434). *See* ECF No. 495. Defendant is currently incarcerated in Lompoc, California. Defendant alleges that the Bureau of Prisons (“BOP”) is opening his legal mail and requests an order instructing prison officials to not open his legal mail. The Government argues that Defendant failed to exhaust administrative remedies prior to filing his motion and that he should have filed his motion in the district in which he is incarcerated.

The Court denies Defendant's request on the basis of a lack of jurisdiction. To the extent that Defendant is requesting dispositive permanent and/or injunctive relief, the Court recommends that his request be denied. To the extent that Defendant has a claim against the BOP, he may pursue it through an independent action. Accordingly,

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1 **IT IS HEREBY ORDERED** that Defendant's Motion for Relief (ECF No. 496) is **denied**.

2 **RECOMMENDATION**

3 In the alternative, to the extent that Defendant's motion is a request for dispositive  
4 permanent and/or preliminary injunctive relief, **IT IS HEREBY RECOMMENDED** that  
5 Defendant's Motion for Relief (ECF No. 496) be **denied**.

6 **NOTICE**

7 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be  
8 in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has  
9 held that the courts of appeal may determine that an appeal has been waived due to the failure to file  
10 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also  
11 held that (1) failure to file objections within the specified time and (2) failure to properly address  
12 and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal  
13 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.  
14 1991).

15 DATED this 25th day of July, 2017.

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17 GEORGE FOLEY, JR.  
18 United States Magistrate Judge